APPENDIX.

UNITED STATES COURT OF APPEALS
For the District of Columbia Circuit

No. 82-1234 September Term, 1981

Keystone Cable-Vision Corporation
and James S. Williams,
Petitioner

v.

Federal Communication Commission
and United States of America
Respondents

Warner Amex Cable Communications, Inc.,
et al.

BEFORE: Robinson, Chief Judge, Wilkey,
Circuit Judge and Robb,
Senior Circuit Judge

O R D E R

On consideration of petitioner's petition for rehearing, filed August 17, 1982, it is

ORDERED by the Court that the aforesaid petition is denied.

Per Curiam

For The Court

GEORGE A. FISHER, CLERK

By:
Robert A. Bonner
Chief Deputy Clerk

Senior Circuit Judge Robb did not participate in this order.

UNITED STATES COURT OF APPEALS
For the District of Columbia Circuit

No. 82-1234 September Term, 1981

Keystone Cable-Vision Corporation
and James S. Williams,
Petitioner

v

Federal Communication Commission
and United States of America,
Respondents

Warner Amex Cable Communications, Inc.,
et al.
Intervenor

BEFORE: Robinson, Chief Judge, Wright, Tamm, MacDinnon, Wilkey, Wald, Mikva, Edwards, Ginsburg and Bork, Circuit Judges

O R D E R

Petitioner's suggestion for rehearing en banc has circulated to the full Court and no member of the Court has requested the taking of a vote thereon. On consideration of the foregoing, it is

ORDERED by the Court en banc that the aforesaid suggestion is denied.

Per Curiam

For The Court

GEORGE A. FISHER, CLERK

By:
Robert A. Bonner
Chief Deputy Clerk

Circuit Judge Wald did not participate in this order.

UNITED STATES COURT OF APPEALS
For the District of Columbia Circuit

No. 80-2023 September Term, 1980

Keystone Cable-Vision Corporation
and James S. Williams,
Petitioners

v

Federal Communications Commission
and the United States of America,
Respondents

BEFORE: McGowan Tamm and Ginsburg;
Circuit Judges

O R D E R

On consideration of the respondents motion to dismiss the petition for review as untimely, and of petitioner's response, it is

ORDERED by the Court that the motion is denied, and it is

FURTHER ORDERED by the Court, sua sponte, that the petition for review is dismissed for lack of a final agency order reviewable by this Court.

Per Curiam

Circuit Judge Ginsburg did not participate in this order.

UNITED STATES COURT OF APPEALS
For the District of Columbia Circuit

No. 82-1234 September Term, 1981

Keystone Cable-Vision Corporation
and James S. Williams,
Petitioner

v

Federal Communication Commission
and United States of America
Respondents

Warner Amex Cable Communications, Inc.,
et al.,
Intervenor

BEFORE: Wright, Acting Chief Judge

O R D E R

On consideration of the motion of the Federal Communications Commission to defer filing of the administrative record, and of the response thereto, it is

ORDERED that the time for filing the certified index to record is extended to the latter of May 7, 1982, or seven (7) days after this Court rules on any motion to dismiss filed before that date.

For The Court
GEORGE A. FISHER, CLERK

By: Daniel M. Cathey
First Deputy Clerk

UNITED STATES COURT OF APPEALS
For the District of Columbia Circuit

No. 82-1234 September Term, 1981

Keystone Cable-Vision Corporation
and James S. Williams,
Petitioner

v

Federal Communications Commission
and United States of America,
Respondents

Warner Amex Cable Communications,
Inc., et al.,
Intervenors

BEFORE: Robinson, Chief Judge, Robb,
Senior Circuit Judge and
Wilkey, Circuit Judge

O R D E R

On consideration of respondent's motion for summary affirmance, the responses thereto, petitioner's reply and petitioner's reply to the response of intervenors, it is

ORDERED by the Court that the aforesaid motion is granted and the order of respondent under review herein is summarily affirmed.

It is FURTHER ORDERED by the Court, sua sponte, that the Clerk shall withhold issuance

of the mandate herein until seven days after disposition of any timely petition for rehearing. See Local Rule 14, as amended on November 30, 1981.

Per Curiam

Senior Circuit Judge Robb did not participate in this order.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 82-15
30606

In re:	)	
	)	
Keystone Cable-Vision Corporation	)	CSR-1904
Pittsburgh, Pennsylvania	)	PA1596
	)	

MEMORANDUM OPINION AND ORDER

Adopted: January 13, 1982

Released: January 26, 1982

By the Commission:

1. The Commission has before it a petition for reconsideration filed on August 4, 1981, on behalf of Keystone Cable-Vision Corporation (Keystone). The petition seeks reconsideration of the action of the Chief of the Cable Television Bureau, by letter dated July 6, 1981, denying a petition for special relief in this matter.

2. The petition for special relief had sought to rescind the registration statement of Warner Cable Corp. of Pittsburgh (Warner), filed April 1, 1980, and subsequently placed

on public notice. 1/ In denying the petition, the Bureau Chief noted that the relief requested could not be granted, because the Commission does not affirmatively act upon registration statements as authorizing instruments, but utilizes such statements solely for informative purposes. Report and Order in CT Docket 78-206, FCC 78-690, 69 FCC 2d 697 (1978).

3. The petition for reconsideration, which has not been served on any party to the proceeding, alleges that the Bureau Chief misapplied Commission procedure, denied due process, and seized property in violation of the Constitution of the United States. It contends that Keystone is entitled to a hearing, and that the United States Court of Appeals for the District of Columbia Circuit has upheld these contentions. Keystone Cable-Vision Corporation v. FCC, No. 80-2023 (D.C. Cir., Dec. 5, 1980) (order dismissing

1/ Cable Television Service Registrations Report No. 390 (released April 24, 1980).

petition for review). Warner opposed Keystone's petition and arguing that Keystone is not entitled to a hearing. Keystone replied on December 8, 1981, claiming that the Commission rejected Warner's opposition, or that it should do so.

4. This is the fourth time Commission intervention has been sought in a local matter in contravention of our dual federal-local regulatory policy. See Keystone Cable-Vision Corporation (Pittsburgh Pennsylvania), FCC 77-860, 67 FCC 2d 348 (1977), recon. denied, FCC 78-542, 68 FCC 2d 1419 (1978). The fact that Warner has filed a registration statement does not constitute grounds to alter either our prior decisions, or the decision of the Bureau Chief. As we clearly stated in CT Docket 78-206, 69 FCC 2d 703: "The filing of (a registration statement) is solely for the purpose of providing the Commission with certain basic information concerning the identity, location, and operations of cable systems and...does not create

a forum in which disputes concerning proposed operations may be resolved." Accordingly, the denial of Keystone's petition for special relief was consistent with established Commission procedure. Moreover, Keystone was afforded all requisite due process: Keystone's contentions were heard and evaluated, and it has been directed to the appropriate governmental body to seek what redress it may. See Memphis Light, Gas and Water Division v. Craft, 436 U.S. 1 (1978); Keystone Cable-Vision Corporation v. FCC et al., 464 F. Supp. 740 (W.D. Pa. 1979). In addition, it has already been established that Keystone Cable-Vision has no property right, either to construct or operate a cable television system or to install electrical devices, which could have been prejudged by Commission action herein. Keystone Cable-Vision Corporation v. FCC et al., supra; Keystone Cable-Vision Corporation, 67 FCC 2d at 350; Keystone Cable-Vision, Inc. v. City of Pittsburgh, No. GD76-23612, Court of

Common Pleas of Allegheny County, Pennsylvania, Court Division (1976). Moreoever, contrary to Keystone's contensions, the United States Court of Appeals for the District of Columbia Circuit has in fact dismissed its petition. Keystone Cable-Vision Corporation v. FCC, supra.

In view of the foregoing, we have determined that grant of the petition for reconsideration would not serve the public interest. Accordingly, IT IS ORDERED, That the "Direct Petition to the Commission for Reconsideration of Denial" filed by Keystone Cable-Vision on August 4, 1981, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

William J. Tricarico
Secretary

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Reply refer to:
4300-PB

Dear Cable Operator:

The Commission's records indicate that you have not filed your 1979 Annual Employment Report (FCC Form 395-A). This form was mailed to you in November 1979 with instructions to complete and return it within 60 days. Since it would appear that you have not responded within the filing period allowed, we are enclosing another report form and accompanying instructions. We request that you complete and file the report within 30 days of the date of this letter (the 60-days filing period referred to on the printed instructions and 295-A should be disregarded since it applies only to the initial request for the report).

If you have already filed your Annual Employment Report for 1979 or have any questions concerning the enclosed form, please contact

the undersigned of the Cable Television Bureau at (202) 632-9797.

You should be aware that continued failure to comply with the Annual Employment filing requirement may result in enforcement action against your system.

Sincerely,

Pamela S. Blumenthal
EEO Specialist
EEO Unit
Cable Television Bureau

Enclosures

CITY OF PITTSBURGH
Department of Public Safety
Bureau of Building Inspection

Electrical Permit

Location
All 32 Wards

No. 1657
Issued 5-11-77
Fee $7.00

Contractor James S. Williams for Keystone Cable TV

Permission to perform the work herein described if granted on condition that the said work be done in compliance with the provision of ordinance No. 300, Series of 1947 known as the Building Code.

Signed Systems, Radio and Television Equipment, Cable TV.

Paul J. Imhoff

Superintendent, Bureau
of Building Inspection
Vivian Hook

United States Post Office Certified

Delivered Receipt No. POO-1639281

Date of Delivery - 12/18/80

To,

Warner Cable Corporation of Pittsburgh

239 Fourth Avenue, Suite 1210

Pittsburgh, PA 15222

United States Post Office Certified

Delivery Receipt No. POO-1639281

Date of Delivery - 12/18/80

to,

Law Department, City of Pittsburgh

414 Grant Street

Pittsburgh, PA 15219

CITY OF PITTSBURGH
Department of Public Safety
Bureau of Building Inspection

ELECTRICAL REGISTRATION

Certificate No. 2399
Registration No. 1927E
Issued 2-2-77
Fee $25.00

Certificate expiring
December 31, 1978

This is to certify that Williams Electric Co. is authorized to do electrical work in the City of Pittsburgh, provided the said work is done in compliance with the provisions of Ordinance No. 300, Series of 1947, known as the Building Code.

Paul J. Imhoff

Superintendent, Bureau
of Building Inspection

Vivian Hook